

1991 Mass. ALS 138, \*; 1991 Mass. H.B. 5800

THE COMMONWEALTH OF MASSACHUSETTS  
ADVANCE LEGISLATIVE SERVICE

1991 REGULAR SESSION

CHAPTER 138

HOUSE BILL NO. 5800

1991 Mass. ALS 138; 1991 Mass. H.B. 5800

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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SECTION 362. All employees of the penal institutions department, of the city of Boston, appointed prior to the effective date of this act shall be subject to the supervision and control of the sheriff of Suffolk county. Said transfer shall be made without impairment of seniority and without reduction in compensation and salary, notwithstanding any change in job titles or duties and without loss of accrued rights to holidays, sick leave, vacation and group insurance benefits; provided, however, that nothing in this section shall be construed to confer upon any employee rights not held prior to the transfer or to prohibit any subsequent reduction in compensation or salary grade.

SECTION 363. (a) No employee who is transferred to the sheriff of Suffolk county pursuant to the provisions of this act shall be covered by the provisions of chapter thirty-one of the General Laws. All employees, including those previous tenured under the provisions of said chapter thirty-one who, at the time of transfer are not eligible to receive tenure subject to the provisions of chapter one hundred and thirty-five of the acts of nineteen hundred and sixty, or section nine A of chapter thirty of the General Laws, may be continued in the discretion of the sheriff on a provisional basis in such position to which he is transferred, or in any position to which he is thereafter assigned. Any such provisional employee shall be deemed to have permanent status upon successful completion of a course of instruction conducted by the sheriff of Suffolk county and upon successful completion of any training requirements of the Massachusetts criminal justice training council. The sheriff of Suffolk county shall design the course of instruction in conjunction with the Massachusetts criminal justice training council. Any such nonuniformed employee shall be deemed to have permanent status upon successful completion of any training or experience as required by the sheriff of Suffolk county.

(b) Any employee who fails to complete successfully any required prerequisites or course of instruction may be continued by the sheriff of Suffolk county on a provisional basis,

but shall not be eligible to gain permanent status in such position pursuant to the provisions of this section and in no event shall any employee be given more than one opportunity to retake such course of instruction for the purposes of gaining such permanent status.

(c) Except to the extent provided for in paragraphs (a) and (b) of this section, positions transferred to the sheriff of Suffolk county and any successor positions filled or created subsequent to such transfer, shall not be subject to the provisions of sections nine A or nine B of chapter thirty, chapter thirty-one or chapter thirty-five of the General Laws, and all appointments, transfers, terminations and promotions shall be made in accordance with guidelines and regulations promulgated by the sheriff of Suffolk county. Said rules and regulations shall govern personnel management and employment practices, including affirmative action and equal employment opportunity plans.